

Remark

Applicant respectfully requests reconsideration of this application as amended. Claims 13 and 34 have been amended. Claims 32-33 have been canceled. Therefore, claims 1-31 and 34-35 are now presented for examination.

Election/Restriction

The Examiner has rejected claims 34 and 35 for being directed to an invention that is independent or distinct from the invention originally claimed. Claims 34 and 35 are amended so that Claim 34 is dependent on Claim 25 and Claim 34 is dependent on Claim 35. Applicant submits that these dependent claims are directed to an invention dependent upon Claim 25 and should be examined together with Claim 25.

35 U.S.C. §112 Rejection

The Examiner has rejected claims 1-31 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner maintains this rejection referring to paragraph 29, lines 2-3, where it is written "based on the calling party, time of receipt, or any other information." The Examiner suggests that the claims can only be read on "based on time of receipt" and that this is not enabled.

Applicant respectfully submits that while "time of receipt" is information which the switch might not receive from the caller, so is "any other information", and so is "external or internal telephone or line numbers" as recited in paragraph 12, lines 2-3.

In addition, generating a call handle "based on the calling party" may also be performed independent of the caller's identity and any information received from the caller. "Based on the calling party" does not require that the call handle be created by applying some function to a received calling party identification or other received calling party data. "Based on the calling party," is a much more general statement and allows for the switch to attach an identity of its own choosing to the call or calling party. "Based on the calling party" may be analogous to how patent application serial numbers are assigned "based on the application." A patent office serial number is generated by the PTO based on having received an application from an applicant, but the serial number is assigned independent of any data about the applicant or the application.

Applicant submits that even without "the calling party" there are at least four different suggestions in the specification for the basis for a call handle 1) external telephone or line numbers, 2) internal telephone or line numbers, 3) time of receipt, and 4) any other information. The first three are, as described in the specification, independent of the caller's identity and any information received from the caller. The fourth certainly may be independent of the caller's identity and any information received from the caller.

Having concluded that any independent call handle must be generated based on "time of receipt", the Examiner makes two assertions that are not fully understood. First, the Examiner asserts that the "'time of receipt' can not be used for claim interpretation as the system does not support using the time of receipt (call handle) to retrieve caller information." Indeed, the specification describes using a call handle, not the time of receipt, even though the call handle can be generated "based on" the time of receipt.

If the Examiner is suggesting that, for enablement purposes, the specification must contain an example directed specifically to using "time of receipt" as a call handle, this is mistaken. The specification does not state that "time of receipt" is the call handle. It recites, "based on the time of receipt." The call handle may be a time of receipt or any other value but the operation of the claimed invention does not necessarily rely on the particular value of the call handle. In for example Claim 1, the call handle is used to retrieve associated caller information that is then used by the automated attendant.

The Examiner also asserts that the specification does not support using the "time of receipt" as in-band signaling tones to send for routing purposes because ANI, DNIS, or DTMF are all data that the switch receives from the caller. Applicant does not find any requirement that all in-band signaling tones are received from the caller. To the contrary, the specification teaches that the switch generates a call handle and can transmit it using in-band signaling tones. The specification, for example in paragraph 20, describes using in-band signaling to transmit call handles between the switch and the voice mail system. Clearly, the specification supports using a tone sequence that is not received from the caller.

Applicant respectfully submits that the subject matter objected to is part of the originally filed application for the reasons stated above and for the reasons provided in previous responses.

35 U.S.C. §102 Rejection

The Examiner has rejected claims 1-31 under 35 U.S.C. 102 (b) as being anticipated by Backaus et al., U.S. Patent No. 5,459,779 ("Backaus"). This rejection is identical to that of April 23, 2003 except that references to Column 1, lines 36-48, to lines 52-59, to lines 52-67 and to the Abstract have been added. The cited Summary and Abstract are more general and vague than the portions previously relied on. These sections provide no further basis for the original April 23, 2003 rejection. The Examiner is respectfully referred to Applicant's previous responses.

The Examiner's Response to Arguments would suggest that, absent the enablement issues, Claims 1-31 may be allowable. Applicant respectfully requests clarification of this issue prior to appeal.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date: 6/8/04



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